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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,068	12/06/2001	Peter M. Karas	020375-000610US	3210

20350 7590 10/26/2004

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EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/010,068

Applicant(s)

KARAS ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3,9/02; 2,10/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 2, 4-11, and 13-22 are rejected under 35 USC 102(b) as being anticipated by Small (patent number 5,513,117).**

Small teaches all the limitations of Claims 1, 2, 4-11, and 13-22. For example, Small discloses electronic vending of greeting cards, gifts, and electronically mailing a greeting card containing an electronic gift. Small further discloses:

- receiving selection of the electronic greeting card from a sender: (see at least abstract; Fig. 4 (50, 51, 64); Fig. 5 (82); col. 1, lines 35-40; col. 3, lines 13-60).

- receiving selection of at least one of a type of electronic gift, an amount for the electronic gift, and an identifier for a receiver of the electronic gift:
stored value fund as a gift (see at least Fig. 6 (81); Fig. 7 (114, 115); col. 7, lines 36-62; col. 7, line 64 through col. 8, line 23).
- receiving payment for the electronic gift from a money handler chosen by the sender: consumer provides credit card information; system debits credit card and confirms available credit (please note examiner's interpretation: communicating with credit card company) (see at least Fig. 7 (104, 121); col. 7, line 64 through col. 8, line 23).
- creating a code indicative of the electronic gift, whereby the code facilitates redemption of the electronic gift, and embedding the code in the electronic greeting card: embeds PIN (see at least Fig. 6 (93); col. 7, lines 36-62).
- Delivery address: sender provides mailing address. Inherent in system and method of Small is a recipient electronic delivery address.
- Electronic links: (see at least Fig. 6 (83)).

Pertaining to system Claims 18-22

Rejection of Claims 18-22 is based on the same rationale as noted above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 3. Claims 3 and 12 are rejected under 35 USC 103(a) as being unpatentable over Small (patent number 5,513,117), in view of Business Wire (PTO-892, Item: W hereinafter referred to as "BW").**

Small teaches all the above as noted under the 102(b) rejection and teaches a) providing convenience to consumer desiring to send greeting cards and gifts, and b) sending electronic greeting cards including electronic gifts for events and occasions dates (e.g. holidays, weddings), but does not disclose scheduling and sending cards on future dates. BW teaches Flashcards.com electronic greeting card service allowing consumers to schedule cards to be sent in future dates (W: see pages 1-2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Small to implement future date scheduling and delivery as taught by BW, in order to provide a consumer convenience, and thereby attract customers to the service prior.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Troy, Mike; "E-Greetings Break the Mold, Redefine the Industry," Discount Store News, 13 December 1999, v38n23pg28, 3pgs, Proquest #47034059; teaches e-greeting card industry players.
- M2 Presswire; Excite@Home to Acquire Bluemountain.com, 25 October 1999, Proquest #45840472; teaches e-greeting card company being acquired.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

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or faxed to:

703-872-9306 (Official communications; including After Final
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

A handwritten signature in black ink, appearing to read 'R. M. Pond', with a stylized, cursive script.

Robert M. Pond
Patent Examiner
October 18, 2004